

Erica Loftis, Esq. (SBN 259286)
Kelli M. Brown, Esq. (SBN 328176)
GHIDOTTI | BERGER LLP
1920 Old Tustin Ave.
Santa Ana, CA 92705
Ph: (949) 427-2010
Fax: (949) 427-2732
bknotifications@ghidottiberger.com

Attorney for Secured Creditor,
U.S. Bank Trust National Association, as Trustee of the Bungalow Series IV Trust

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In Re:)	CASE NO.: 2:20-bk-11061-SK
)	
RENA MOUTON,)	CHAPTER 13
)	
Debtor.)	OPPOSITION TO DEBTOR'S MOTION
)	FOR AUTHORITY TO SELL REAL
)	PROPERTY UNDER LBR 3015-1(p)
)	
)	Judge: Hon. Sandra R. Klein
)	
)	

**TO THE HONORABLE SANDRA R. KLEIN, UNITED STATES BANKRUPTCY
COURT JUDGE, THE CHAPTER 13 TRUSTEE, THE DEBTOR, THE DEBTOR'S
COUNSEL, AND OTHER INTERESTED PARTIES:**

U.S. Bank Trust National Association, as Trustee of the Bungalow Series IV Trust
("Secured Creditor"), a secured creditor in the above-entitled Bankruptcy proceeding, through
undersigned counsel, hereby submits the following Opposition to Debtor's Motion for
Authority to Sell Real Property Under LBR 3015-1(p) ("Opposition") and states as follows:

1. Secured Creditor filed a Motion for Relief from Stay ("MFR") on June 8, 2022
requesting relief from stay pursuant to 11 U.S.C. §362(d)(1) on the basis that Debtor was

1 delinquent with respect to her ongoing post-petition monthly mortgage payments in the amount
2 of \$6,740.87.

3 2. Debtor, Rena Mouton (“Debtor”), and Secured Creditor, through their respective counsel
4 of record, entered into a Stipulation re: Order Granting Motion for Relief From the Automatic
5 Stay (“Stipulation”) to resolve the MFR. The Stipulation set forth terms for the Debtor to
6 maintain ongoing post-petition monthly mortgage payments as well as an additional payment in
7 the amount of \$461.92 beginning July 15, 2022 through May 15, 2023, with a final additional
8 payment in the amount of \$462.01 due on June 15, 2023. Subsequently, this Court entered an
9 Order granting the Stipulation (“Order”). *See* Docket Entry No. 55.

10 3. On or about December 7, 2022, Secured Creditor, through its counsel of record, sent a
11 Notice of Default (“NOD”) due to the Debtor’s default on the Stipulation and Order. As of the
12 date of the NOD, the Debtor was due for two post-petition payments in the amount of \$2,786.62
13 and three Stipulation payments in the amount of \$1,385.76 for a total delinquency of \$4,172.38.
14 The Debtor failed to cure the NOD by the expiration date set forth in the NOD, which was set
15 to be December 22, 2022. As a result, Secured Creditor filed a Declaration of Default Under
16 Adequate Protection Order (“Declaration”) and subsequently lodged a corresponding order
17 requesting relief from stay based on Debtor’s default under the terms of the Stipulation.

18 4. On January 20, 2023, this Court entered an Order Granting Motion for Relief From the
19 Automatic Stay (“Relief Order”), which granted relief as to Secured Creditor with respect to the
20 property commonly known as 734 East 83rd Street, Los Angeles, California 90001 (“Property”) pursuant to 11 U.S.C. § 362(d)(1).

21 5. On January 24, 2022, Debtor filed her Motion for Authority to Sell Real Property Under
22 LBR 3015-1(p) (“Motion”) with respect to the Property.

23 6. At this time, Secured Creditor opposes the Motion on the basis that it has been granted
24 relief from stay and wishes to proceed with foreclosure of the Property at this point.

25 7. Additionally, Secured Creditor has not only received notice of the Motion but also a loan
26 modification from the Debtor just after Secured Creditor was granted relief from stay. The loan
27

1 modification has been deemed incomplete. Furthermore, not only is Secured Creditor receiving
2 mixed information on Debtor's intentions, but it is also noted in the Motion that a settlement
3 statement received on January 24, 2023 seems to conflict with the Court's record as to an
4 amount owed to Secured Creditor and no monies to be paid to Aames or Accredited Home.
5 Although Accredited Home Lenders, Inc. ("AHL") is the original noteholder, a claim has been
6 filed since March 31, 2020 along with a Transfer of Claim notating that Secured Creditor is the
7 proper entity that holds currently holds interest. As such, Secured Creditor is unclear as to why
8 the Debtor mentions this in her Motion and is unclear of Debtor's intentions with the Motion
9 along with the loan modification that has been submitted.

10 8. Based on the foregoing reasons, Secured Creditor respectfully requests the Motion be
11 denied as it wishes to proceed with foreclosure of the Property pursuant to the Relief Order at
12 this time.

13 Dated: 02/07/2023

GHIDOTTI | BERGER LLP

15 /s/ Kelli M. Brown
16 Kelli M. Brown, Esq., SBN 328176
17 Attorney for Secured Creditor
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
1920 Old Tustin Ave, Santa Ana, CA 92705

A true and correct copy of the foregoing document entitled (*specify*): _____
OPPOSITION TO DEBTOR'S MOTION FOR AUTHORITY TO SELL REAL PROPERTY UNDER LBR 3015-1(p) _____

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 02/07/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Counsel for Debtor: Misty Wilks, misty@wilkslawoffice.com
Ch 13 Trustee: Kathy A Dockery (TR), EFiling@LATrustee.com
U.S. Trustee: United States Trustee (LA), ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 02/07/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor:
Rena Mouton
734 E 83rd St
Los Angeles, CA 90001

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

02/07/2023 Susan Ramirez
Date Printed Name

/s/ Susan Ramirez
Signature